UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

PATRICK HIGGINS,   )
)
        Plaintiff,   )
)
v.   )   No. 1:05-cv-293
)   *Mattice/Carter*
STEVE FRISBEE; TIM SMITH;   )
DR. TRENTHAM; NURSE FAYE;   )
NURSE BENNETT; MCMINN COUNTY;   )
COUNTY COMMISSION,   )
)
        Defendants.   )

MEMORANDUM

Patrick Higgins ("Higgins"), was a prisoner confined at the McMinn County Jail when he

filed his *pro se* civil rights complaint pursuant to 42 U.S.C.§ 1983 [Court File No. 3]. Higgins'

initial application for leave to proceed *in forma pauperis* was deficient [Court File No. 1]. On

November 30, 2005, the Court issued a deficiency order directing Higgins to pay the full filing fee

of $250.00 or to complete the *in forma pauperis* application and submit the necessary documents

within thirty days from the date of the order [Court File No. 5]. Higgins subsequently notified the

Court of an address change and then filed a completed *in forma pauperis* application. This Court

was unable to determine whether Higgins was incarcerated or a non-prisoner at the time the second

in forma pauperis application was filed. Consequently, the Court ordered Higgins to notify the

Court within ten (10) days from its January 18, 2006 Order of his residence and whether he was

currently incarcerated.

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Higgins has failed to timely respond to the Court's Order. Consequently, the Court finds Higgins has failed to comply with its order.

Rule 41(b) of the Federal Rules of Civil Procedure allows a court to dismiss an action *sua sponte* for failure to prosecute or for failure to comply with the federal rules or any court order. This authority is based on the Court's inherent authority to control its docket and prevent undue delays in the disposition of pending cases.

Therefore, this action will be **DISMISSED** for Higgins's failure to prosecute and to comply with the orders of this Court. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991).

A judgment will enter.

> *s/ Harry S. Mattice, Jr.*
> HARRY S. MATTICE, JR.
> UNITED STATES DISTRICT JUDGE

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